

REMARKS

1

As per the Examiner's instruction, replacement Figs. 1-6 are submitted with this Amendment. The legend "Prior Art" has been added to Figs. 1-6.

5

Claims 1-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Apparently the Examiner, who is a Primary Examiner, does not understand the terms "first," "second" and "third," etc. In an effort to assist the Examiner in understanding the claims, the Examiner's attention is directed to claim 1. In line 3, a vertically disposed socket may be the socket 38 or the socket 302. The first upstanding socket insert sleeve may be the sleeve 202 or 308. The first support described in line 5 of claim 1 may be the support 206 or 206". The second support described in line 7 of claim 1 may be the plate 208, 208' or 208". The first hollow tubular member described in line 9 of claim 1 may be the tubular member 214, 214' or 214". The second tubular member described in line 11 of claim 1 may be the tubular member 222, 222' or 222". The third support described in line 13 of claim 1 may be the support 224, 224' or 224". The term "retainer" in line 15 of claim 1 is being amended to be a "pin."

10

With respect to the fourth support described in claim 7, that support may be the plate 218, 218' or 218".

15

With respect to claim 12, the first upstanding support described in line 4 is the element 226 seen in Fig. 8 while the first hollow sleeve described in line 6 of claim 12 is the member 232. The second generally vertically disposed support described in line

20

1        8 of claim 12 is the support 208'. The first hollow tubular member described in the first  
line of page 17 is the tubular member 214' while the second tubular member is 222'.  
The third support described in claim 12 is the element 224'. The term "retainer" in line  
16 of claim 12 has been changed to "pin."

5        It is hopeful that with this description, the Examiner may read the elements of  
the claims on the drawings.

10      The Examiner also questioned the use of the term "quadrilateral" as used in  
claims 4, 5 and 16 while the specification only uses the terminology "square."  
Obviously, the Examiner has overlooked the fact that the original claims form a part of  
10      the disclosure. The term "quadrilateral" would include square tubes, rectangular  
tubes, etc. If required, applicant will amend the specification to describe that the  
terminology "quadrilateral" includes square and rectangular members.

15      Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable  
over Graham et al. (6,568,237) in view of Wisner (5,054,307).

20      It is respectfully submitted that the devices of Wisner and Graham are  
completely different than that disclosed and claimed by applicant. The devices of  
Graham and Wisner are clamping devices rather than holding devices. In the  
straightening of frames, applicant's device holds or blocks the frame so that the frame  
is a free entity so it can be returned to its proper straight position. Applicant's device is  
not attached to the frame by clamping, as in the prior art, but simply holds or blocks  
the frame. The prior art devices stop the frame from going back naturally during the  
straightening process since the devices are clamped onto the frame rather than

1 holding or blocking the frame. The prior art devices are only used in the middle of the  
frame while applicant's device can be used at any location with respect to the frame  
and will work on all vehicles. It is therefore submitted that claims 1-10 distinguish the  
prior art since they merely describe that the vehicle frame is received therein and do  
5 not describe that the frame is clamped therein. Accordingly, claims 1-10 should be  
allowed.

10 Claims 11-13, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being  
unpatentable over Graham et al. (6,568,237) in view of Wisner (5,054,307) and further  
in view of Lee (5,413,303). The Examiner believes that Graham discloses a vehicle  
holding system. More properly, Graham discloses a vehicle clamping system, as  
discussed above with respect to claims 1-10. The same is also true of Wisner and  
Lee. Wisner and Lee are not holding or blocking devices but are clamping devices.  
15 Therefore, applicant incorporates the remarks with respect to claims 1-10 above. It is  
believed that claims 11-13, 16 and 17 are clearly patentable over the references of  
record. Further, even if the prior art discloses the structure as suggested by the  
Examiner, which applicant does not admit, there is absolutely no motivation or  
suggestion in the prior art to combine the references as suggested by the Examiner.

20 Claim 14 was objected to as being dependent upon a rejected base claim, but  
the Examiner indicated that the same would be allowable if rewritten in independent  
form including all of the limitations of the base claim and any intervening claims and  
overcoming the 35 U.S.C. § 112, second paragraph, rejection. Accordingly, claim 14  
has been cancelled without prejudice and rewritten as newly submitted claim 19.

1 Accordingly, it is believed that all of the claims remaining in the application are  
allowable.

5 No fees or extensions of time are believed to be due in connection with this  
Amendment; however, please consider this a request for any extension inadvertently  
omitted and charge any additional fees to Deposit Account No. 502093.

10 Respectfully submitted,

*Dennis L Thomte*

15 DENNIS L. THOMTE  
Registration No. 22,497  
THOMTE, MAZOUR & NIEBERGALL  
Attorneys of Record

2120 S. 72nd Street, Suite 1111  
Omaha, NE 68124  
(402) 392-2280

20 CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for WILLIAM J. MEIS,  
Serial No. 10/727,307, was mailed by first class mail, postage prepaid, to Mail Stop  
Amendment, Commissioner for Patents, Alexandria, VA 22313, on this 20 day of  
June, 2005.

25 *Dennis L Thomte*  
DENNIS L. THOMTE